



# 2022 Spring Conference / April 21-23

Hotel Madison | Harrisonburg, Virginia

## Session Descriptions

### Thursday, April 21

#### **General Session A | Legislative Update: 2022 General Assembly Session Review | Shenandoah B&C**

Moderator: Thomas "Tom" Miller, County Attorney, County of Rockingham

Phyllis Errico, General Counsel, Virginia Association of Counties  
Michelle Gowdy, Executive Director, Virginia Municipal League  
Debra Bryan, Director of Legislative Affairs, City of Virginia Beach

Local government attorney/lobbyists summarize the activities of the 2022 Virginia General Assembly. The panel will discuss legislation introduced during the session, both enacted and failed, that particularly affects local governments. With a focus on bills with the greatest impact on Virginia's counties, cities, and towns, the speakers will describe how newly-enacted laws may benefit or disadvantage localities and their residents.

#### **Concurrent Session 1 | Social Services: Immigrant Parents involved in CPS and Foster Care Services | Shenandoah A**

Moderator: Susan Hartman, Assistant City Attorney, City of Lynchburg

Marta J. Anderson, Senior Assistant County Attorney, County of Roanoke  
Rachel L. D. Thompson, Managing Attorney, Poarch Thompson Law  
Sergio E. Ball, Spanish Language Interpreter, Department of Judicial Services, Office of the Executive Secretary, Supreme Court of Virginia, Roanoke City Courthouse

This session will target issues related to immigrant parents and children who become involved in CPS and Foster Care services. That will include needs of parents and children from the perspective of DSS, the GAL and the parents; changes in the laws affecting this including Special Immigrant Status for a child seeking asylum, navigating the complexities associated with the Hague Convention; and the certification requirements for interpreters, ethical requirements and how to locate interpreters for court cases as well as for social workers, counselors and others who must interact with parents, children and families.

#### **Concurrent Session 2 | Statutory Construction: Overview of Rules | Shenandoah B&C**

Moderator: John Blair, City Attorney, City of Staunton

Jacob P. "Jay" Stroman, City Attorney, City of Chesapeake  
Gary Bryant, Partner, Willcox & Savage P.C.

When litigating matters at all levels of courts, local government attorneys are often confronted with ambiguous or conflicting statutory language in the Code of Virginia; when advising clients, local government attorneys often encounter statutes which have not been the subject of a court case or an opinion of the Virginia Attorney General. This panel will provide an overview of the rules of statutory construction applied by the Virginia courts to resolve statutory ambiguities and conflicts.



## Session Descriptions

### Friday, April 22

#### **General Session B | Understanding the new Court of Appeals Procedures | Shenandoah B&C**

Moderator: Chris Brown, City Attorney, City of Harrisonburg

The Hon. Dominique A. Callins, Judge, Court of Appeals of Virginia

Monica Taylor Monday, Partner, Gentry Locke

Sara G. Silverman, Assistant County Attorney, Office of the Fairfax County Attorney

Virginia has now joined all other states in providing an appeal of right in every case. Effective January 1, 2022, the Virginia Court of Appeals will hear appeals in criminal cases and almost all civil cases, including cases involving local governments in Virginia. This panel will discuss the new procedures for the Virginia Court of Appeals, and will feature practical advice from a judge of the Court of Appeals, an experienced appellate litigator, and a local government attorney.

#### **Concurrent Session 3 | Land Use Tools for Solar Projects | Shenandoah A**

Moderator: Catherine Lindley, Deputy City Attorney, City of Chesapeake

Bobbi Jo Alexis, County Attorney, County of Culpeper

Thomas C. Kleine, Partner, Troutman Pepper

John G. Dicks ("Chip"), Partner, Gentry Locke

This session will discuss solar projects, an emerging and evolving land use in Virginia. In recent years, new statutory authority was enacted to facilitate the mitigation and approval of this new use. This session will explain and discuss these Virginia Code statutes, including provisions related to decommissioning agreements, bonding based on decommissioning estimates, and siting agreements. The panel will also discuss how local governments are interpreting and utilizing statutory tools, and provide recommendations how to use zoning ordinances and policies to assess and mitigate the impacts of solar projects.

#### **Concurrent Session 4 | Weeding Out Employment Law and Policy Issues Around Marijuana | Shenandoah B&C**

Moderator: Susan E. Cooke, County Attorney, County of Spotsylvania

Rysheda McClendon, County Attorney, County of Stafford

Jim H. Guynn, Jr., Attorney, Guynn, Waddell, Carroll, & Lockaby, P.C.

Beginning in 2020, the Virginia General Assembly started the move toward the full legalization of marijuana. Notably in 2021, criminal penalties were lifted for the recreational use and possession of a small amount of marijuana and by 2024, the retail sale of marijuana is expected to be permitted in the Commonwealth. With these significant changes to how marijuana is viewed and classified in the Commonwealth, what are the employment law implications for local governments and their employees? During this session, we will cover clear employment law changes, like the permitted medical use of cannabis oil and sealing some marijuana related criminal records. We will also cover legal requirements that have not changed and how marijuana legislation impacts those employment law requirements, like the federal drug-free workplace act. Lastly, we will explore how to maintain safe working conditions and policy considerations around regulating and testing for marijuana, a substance which is now considered, otherwise, legal.



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## Session Descriptions

### Saturday, April 23

#### **Concurrent Session 5 | Stormwater and Inverse Condemnation** | Shenandoah B&C

Moderator: Ryan Samuels, Assistant County Attorney, County of Arlington

Marc Gori, Assistant County Attorney, County of Fairfax  
Chris Pomeroy, President, AquaLaw PLC  
Jeffrey Geiger, Attorney, Sands Anderson

This panel will provide an overview of the many issues facing the local government bar in addressing stormwater management and inverse condemnation claims. The panel will discuss inverse condemnation case law and doctrine, particularly as it has developed in the last decade. Lessons learned from specific claims, accepting stormwater infrastructure, and best practices in risk management will be reviewed. The panel will also provide best practices in reviewing design requirements for stormwater facilities.

#### **Concurrent Session 6 | Transient Occupancy Tax: Verification and Collection Issues** | Shenandoah A

Moderator: Javier Gomez-Jacome, Deputy City Attorney, City of Charlottesville

Maggie Ragon, Commissioner of the Revenue, City of Staunton  
Todd Divers, Commissioner of the Revenue, City of Charlottesville

This session will review the history of the legislation on short term rental and where the 2022 session finds us. Speakers will also share example ordinances for LGA members to consider adopting in order to promote uniformity throughout the state in hopes that it will help "fight the Goliath" companies moving forward.

#### **General Session C | Ethics: LEO 1889, hypotheticals, and Hollywood's handling of legal ethics** | Shenandoah B&C

Moderator: Matt Light, Town Attorney, Town of Broadway

Timothy R. Spencer, City Attorney, City of Roanoke  
Jeremy Carroll, Principal, Guynn, Waddell, Carroll & Lockaby, P.C. and Town Attorney, Town of Vinton

Avoiding conflicts is a goal of every attorney. That being said, serving as a local government attorney presents certain challenges that can be addressed by an awareness of the Virginia State Bar's Rules of Professional Conduct, as well as referring to Legal Ethics Opinions (LEOs). This presentation is divided into three areas regarding ethical issues (i) an in-depth discussion of LEO 1889 that involves how other attorneys can contact our clients, (ii) hypotheticals to provide examples of situations the local government attorney might find themselves, and (iii) for fun a review of several movie scenes that involve how Hollywood has handled legal ethics. At the end of the analysis for each hypothetical and movie scene is a reference to the governing LEO that applies to the situation.